

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Jaime VALENCIA

Docket Number: 2:04CR00299-01

Offender Address: Stockton, California

Judicial Officer: Honorable Garland E. Burrell, Jr.
Chief United States District Judge
Sacramento, California

Original Sentence Date: 12/10/2004

Original Offense: 26 USC 5861(d) - Possession of Unregistered Firearm
(CLASS C FELONY)

Original Sentence: 35 months custody of the Bureau of Prisons; 36 months
Supervised Release; \$100 Special Assessment

Special Conditions: Warrantless search; Drug/alcohol treatment
program/testing; Co-payment for treatment/testing;
Cooperate in the collection of DNA; Not associate with
known gang members, nor wear gang paraphernalia.

Type of Supervision: Supervised Release

Supervision Commenced: 02/02/2007

Assistant U.S. Attorney: Richard J. Bender **Telephone:** (916) 554-2700

Defense Attorney: Jeffrey L. Staniels **Telephone:** (916) 498-5700

Other Court Action: None

RE: Jaime VALENCIA
Docket Number: 2:04CR00299-01
PETITION TO MODIFY THE CONDITIONS OR TERM
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PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall reside and participate in a Residential Re-entry Center (RRC), for a period of 90 days; said placement shall commence as directed by the probation officer pursuant to 18 USC 3563(b)(11). The defendant shall pay the cost of confinement as determined by the Bureau of Prisons.

Justification: The offender's supervision commenced on February 2, 2007. Shortly thereafter the offender secured employment with a local tile company, and has worked full-time throughout his period of supervision. Initially he resided with his fiancé, Virginia Reese, who he has known for approximately five years. However, on May 2, 2007, they had a disagreement and he moved in with his sister. The offender has participated in drug counseling and testing since his release and has been progressing adequately.

On March 31, 2007, the offender was arrested by the Stockton Police Department, and charged by the San Joaquin County District Attorney's Office with Attempted Carjacking, Participating in a Criminal Street Gang, and Assault with a Deadly Weapon or Force Likely to Produce Great Bodily Injury. The matter is pending prosecution in the San Joaquin County Superior Court, under Docket Number SF104030D. During this arrest, the offender was in the company of Jose Flores, Jr., Ramero Espinoza, and Rafael Valencia, his younger brother. The Stockton Police Department has identified Jose Flores as being affiliated with a Stockton street gang. In addition, both Ramero Espinoza and Rafael Valencia are suspected of being affiliated with Stockton street gangs. Also, all four of the suspects of the March 31, 2007, arrest noted above, were reportedly wearing red bandanas on their faces while walking around the mobile home park grounds prior to their arrests. The offender continues to fight the felony charges pending in San Joaquin County, and is adamant that he is not guilty of these alleged charges. The probation officer will continue to monitor the status of this case. Should the offender be convicted of any of the charges noted, the probation officer will file a new violation petition.

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Although the offender denied any involvement in the above law violations, he did admit being in the company of the individuals noted above. By admitting being in the company of the individuals noted above, the offender realizes he is violation of his special condition not to associate with known gang members, as ordered by the Court. Thus, the present notice of non-compliance is the result of his association with a known gang member and other individuals suspected of being gang members.

In response to his non-compliance, the offender agreed to have his conditions of supervised release modified to include a special condition for his placement at a RRC for a period of 90 days. He has signed a Probation Form 49 - Waiver of Hearing to Modify Conditions of Supervised Release, which is on file.

Should Your Honor determine the response and plan to address the offender's non-compliance is appropriate, it is recommended the terms and conditions of supervised release be modified to include the above Special Condition.

Respectfully submitted,

/s/ Rafael G. Loya
RAFAEL G. LOYA
Senior United States Probation Officer
Telephone: (916) 683-4375

DATED: July 17, 2007
Elk Grove, California
RGL:cj

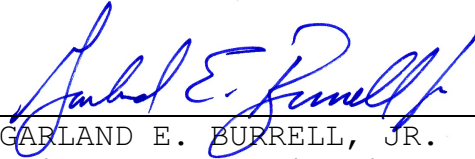
REVIEWED BY: /s/ Deborah A. Spencer
DEBORAH A. SPENCER
Supervising United States Probation Officer

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THE COURT ORDERS:

- (X) Modification approved as recommended.
- () Modification not approved at this time. Probation Officer to contact Court.
- () Other:

Dated: July 24, 2007



GARLAND E. BURRELL, JR.
United States District Judge

cc: United States Probation
Richard J. Bender, Assistant United States Attorney
Jeffrey L. Staniels, Assistant Federal Defender
Defendant
Court File